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India: Situation of inter-religious couples from both urban and rural locations, including societal attitudes, treatment by government authorities and the treatment of their children (2005-April 2012)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

The US Department of State's *International Religious Freedom Report for July-December 2010* indicates that India has a secular government in which all religions are "offered equality under the law" (US 13 Sept. 2011, Introduction). Based on data from the 2001 census, Hindus constitute 80.5 percent of the population, while Muslims account for 13.4 percent, Christians 2.3 percent and Sikhs 1.9 percent (ibid., Sec. 1). According to a study by Kumudin Das of Pillai's College of Arts, Commerce and Science, Navi Mumbai, P. K. Tripathy of Utkal University, K. C. Das, and T. K. Roy, both of the International Institute for Population Sciences (IIPS) [Mumbai], entitled *Dynamics of Inter-religious and Inter-caste Marriages in India*, which used data taken from the 2005-2006 National Family Health Survey of 42,183 people in 29 states, 2.1 percent of marriages in India were inter-religious (Das et al. [2011], 4, Table 4). The states with the highest percentages of inter-religious marriages were Arunachal Pradesh (9.2 percent), Sikkim (8.1 percent), Manipur (7.6 percent), Punjab (7.3 percent), and Meghalaya (6.7 percent) (ibid.).

2. Different Types of Inter-religious Marriages

Both a professor of history from the University of Toronto and the Legal Counsel for the World Sikh Organization (WSO) of Canada expressed the opinion that marriages between Sikhs and Hindus would likely face less opposition than marriages between Sikhs and Muslims (Professor of history 10 Apr. 2012; WSO 24 Apr. 2012).

In correspondence with the Research Directorate, the WSO legal counsel explained that approximately 15 percent of India's Sikh population strictly adheres to the Sikh code of conduct, the Rehit Maryada, which states that "[a] Sikh's daughter must be married to a Sikh" (24 Apr. 2012). He noted that the other 85 percent of the Sikh population, who are not "formally initiated into the faith," may not follow all parts of the Rehit Maryada (WSO 24 Apr. 2012). Regarding marriages between Sikhs and Hindus, he stated:

Marriages between Hindus and Sikhs are not uncommon, especially amongst urban Sikhs of the "Khatri" background/caste. Many Khatri families have both Hindu and Sikh members and therefore mixed marriages occur frequently. Such couples would in many cases not face any discrimination and their families may even be part of arranging the marriage. Where a couple [has] chosen to marry independently of their families' wishes, they may be faced with problems. (ibid.)

The history professor said that marriages between Hindus and Muslims would face the most opposition (10 Apr. 2012). Similarly, a professor of sociology and Chair of the Centre for the Study of Social Systems at the Jawaharlal Nehru University, in correspondence with the Research Directorate, stated that marriages between a Hindu boy and a Muslim girl are particularly problematic compared to other inter-religious couples (19 Apr. 2012). The history professor also noted that Hindus from higher castes were likely to experience more opposition to an inter-religious marriage than Hindus from lower castes (10 Apr. 2012).

In addition, the history professor stated that marriages between Hindus and Christians were less problematic, and that, in general, Christians who inter-marry, although they may face disapproval, were unlikely to face violence from their families (10 Apr. 2012).

3. Regional Variation in Societal Attitudes and Treatment

Academic sources indicate that the situation of inter-religious couples in India varies depending upon class and region (Professor of sociology 19 Apr. 2012; Professor of history 10 Apr. 2012). There are differences depending on whether the couple is in a rural or urban area (WSO 24 Apr. 2012; Professor of history 10 Apr. 2012). The history professor noted that there is less discrimination towards inter-religious marriages that occur "within a middle-class urban context" (ibid.). She said that inter-religious couples from rural areas who experience problems with their families or villages often move to urban areas, where there is "more tolerance" and it is "easier to meld" (ibid.). Similarly, the WSO legal counsel explained that

[t]here is a very stark difference between the treatment of inter-faith couples in rural areas and urban areas. Whereas in urban areas, it is not uncommon for inter-religious marriages to take place, they are much more controversial in rural areas. ...

In urban areas it would be more difficult to identify inter-faith couples. Even where an inter-faith couple is identified, it is not likely they would face serious hardship. (24 Apr. 2012)

In contrast, Reuters states that inter-religious relationships are "a taboo" both in rural areas and for "educated, well-off families in urban India" (20 Apr. 2011).

The history professor said that, in Gujarat state, Muslim/Hindu couples are likely to be "targeted," because there is "systematic violence against Muslims" perpetuated by the BJP ruling party (10 Apr. 2012). Although information on the targeting of Muslim/Hindu couples could not be corroborated, Human Rights Watch states that there is "strong evidence" connecting the ruling state

administration of Gujarat to anti-Muslim attacks, which killed nearly 2,000 people in 2002, and that activists and lawyers involved in the cases are subject to "harassment, threats, and intimidation" (24 Feb. 2012).

4. Incidents of Violence

The WSO legal counsel, when asked whether inter-religious couples are subject to violence, stated:

While it isn't the norm for inter-faith couples to be subject to violence, it does happen. The threat of violence would exist, in the vast majority of cases, from the families involved. Only in certain rural areas would individuals outside the family take an interest in an inter-faith marriage and take any action. (24 Apr. 2012)

According to Human Rights Watch, *khap panchayats*, "unofficial village councils," in the northern states of Haryana, Punjab and Uttar Pradesh, may issue edicts forbidding inter-religious marriages, among other types of mixed marriages (18 July 2010). Family members have, in turn, threatened couples, filed false cases of abduction against couples, or killed spouses, as a way of upholding the family's "'honour'" (Human Rights Watch 18 July 2010).

Hard News, a New Delhi-based news magazine, states that honour crimes, including those against inter-religious couples, range from "quiet murders passed off as suicides, to pre-meditated, long-drawn public humiliation and social boycott" (22 Jan. 2012).

According to a *Globe and Mail* article, in November 2011 in Uttar Pradesh, the father and two brothers of a 21-year-old woman were charged with shooting and killing her because she was in a relationship with a man of a different religion (7 Dec. 2011). The article also notes a case from Punjab in which a couple, a Sikh woman and a Hindu man, was attacked by the woman's parents, as well as a case from Hyderabad in which the parents of a Hindu woman repeatedly tried to kill her and her Muslim husband (ibid.). *The Hindustan Times* reports on a case in which a 24-year-old woman from Kinawli village in Shahpur, Thane district, was beaten to death by family members for secretly marrying and converting to Buddhism (14 Apr. 2011). The police arrested and charged her father, brother and two sisters with murder (*The Hindustan Times* 14 Apr. 2011). The Chandigarh-based multi-media company Day and Night News reports a case in which a man accused his in-laws of killing his wife because they were in an inter-religious marriage (26 Feb. 2012).

An article in *Indian Currents*, a Delhi-based weekly English magazine, states that Muslim boys in Karnataka state have been attacked for speaking with Hindu girls and accused of trying to convert them through marriage (15 Feb. 2012). The US *International Religious Freedom Report 2009* provides details of such attacks in 2009, noting that "Hindu extremists" assaulted Muslim boys talking to Hindu girls, often on public transportation, in the Dakshina Kannada and Udupi districts of Karnataka (US 26 Oct. 2009, Sec. 2).

5. State Protection

India's *Special Marriage Act-1954*, which came into effect on 1 January 1955, allows for inter-religious marriages, but requires that couples give written

notice of their intent to marry at least 30 days before the marriage (India 1954, Sec. 1, 4, 5, 7). Human Rights Watch notes that the 30 day notice period is sometimes used by families to locate and even kill or forcibly break up couples (18 July 2010).

According to the WSO legal counsel, some state governments offer protection to inter-faith couples; couples can request protection from the state court, and often police protection is provided to the couples (24 Apr. 2012). Media sources indicate that threatened couples can petition the Punjab and Haryana High Court for protection (*The Times of India* 31 Mar. 2010; IBN Live n.d.). However, sometimes couples are killed before the protection is granted (ibid.) or despite the police protection efforts (*The Times of India* 31 Mar. 2010).

According to the founder of Love Commandos, a New Delhi-based voluntary organization that helps young couples who marry against their parents' wishes, the police often side with the parents instead of providing protection to the couples, and may even falsely charge the young men with rape (*The Globe and Mail* 7 Dec. 2011). The history professor expressed the opinion that the police are generally not sympathetic to inter-religious couples (Professor of history 10 Apr. 2012). However, she also explained that if a couple who experiences violence files a first information report (FIR) with the police, that the police may be able to offer "short-term protection" (ibid.).

Media sources indicate that the Haryana government operates "protection homes" for runaway couples (*The Indian Express* 19 Apr. 2011; *India Today* 9 May 2011). Couples are initially allowed to stay in the shelters for 10 days, after which the threat is reassessed and their stay may be extended (ibid.; *The Indian Express* 19 Apr. 2011). The Haryana government reportedly claimed that 151 couples used these protection homes between 21 September 2010 and March 2011 (ibid.). The Haryana government also maintains that, between 2005 and April 2011, police reports were filed against 113 people in 21 cases related to threats and other mistreatment of the couples (ibid.). In addition, in December 2011, the Punjab and Haryana High Court reportedly ordered police not to register cases of abduction charges against couples who marry against their parents' wishes (ibid. 15 Dec. 2011).

An article in *The Pioneer* reports on services provided to couples who choose to marry against their families wishes in Dehradun [in Uttaranchal state], which include "shelter, medical faculty, legal facility, implementation of court order and emotional back up to the couple" (19 Aug. 2010). An inter-religious couple reportedly resolved issues through counselling services, but the article notes that cases not resolved through counselling are referred to the police to ensure that couples are provided protection (*The Pioneer* 19 Aug. 2010).

Information about specific protection offered in other Indian states could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

6. Treatment of Inter-faith Children

The history professor stated that the children of inter-faith couples are "generally treated well," particularly in urban areas where they "blend in easier" (Professor of history 10 Apr. 2012). The WSO legal counsel also expressed the opinion that it would be easier for inter-faith children in urban areas, and that he would not expect them to "face significant hardship" (WSO 24

Apr. 2012). In contrast, he expected that rural areas may be "more difficult" for inter-faith children where they may be subject to "taunting" (ibid.). However, he noted that violence towards inter-faith children would be "unlikely" (ibid.). The history professor similarly expressed the opinion that, even in rural areas, inter-faith children "usually gain acceptance over time" (10 Apr. 2012).

Information about incidents of violence against inter-religious children could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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World Sikh Organization (WSO) of Canada. 24 April 2012. Correspondence from the Legal Counsel to the Research Directorate.

Additional Sources Consulted

Oral sources: Attempts to contact the following persons and organizations were unsuccessful: Asian Centre for Human Rights; All India Christian Council; Global

Council of Indian Christians; professor, University of Cincinnati. A representative of Christian Solidarity Worldwide was unable to provide information.

Internet sites, including: Amnesty International; Asian Centre for Human Rights; Asian Human Rights Commission, Asian Legal Resource Centre; Christian Solidarity Worldwide; Dalit Foundation; ecoi.net; Freedom House; India — Haryana Police, Ministry of Home Affairs, Ministry of Law and Justice, National Human Rights Commission; International Crisis Group; International Federation for Human Rights; Minority Rights Group International; National Campaign on Dalit Human Rights; United Nations — Refworld, UNICEF.

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